

APPEAL NO. 030917
FILED MAY 9, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on March 27, 2003. The hearing officer resolved the disputed issues by deciding that the appellant (claimant) sustained a repetitive trauma injury with a date of injury of _____, but that the injury is not compensable because the respondent (self-insured) is relieved of liability under Section 409.002 because the claimant failed without good cause to timely notify her employer of her injury pursuant to Section 409.001. The claimant appealed, and the self-insured responded.

DECISION

Affirmed.

The claimant contended that she sustained a repetitive trauma injury to her right shoulder with a date of injury of _____, and that she timely notified her employer of her injury pursuant to Section 409.001. The hearing officer determined that the claimant did sustain a repetitive trauma injury, but that the injury is not a compensable injury because the claimant failed without good cause to timely notify her employer of her injury, thus relieving the self-insured of liability under Section 409.002. Conflicting evidence was presented with regard to the notice issue. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the finder of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established. Although there is conflicting evidence on the notice issue, we conclude that the hearing officer's determination on that issue is supported by sufficient evidence and that it is not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

The decision and order of the hearing officer are affirmed.

The true corporate name of the insurance carrier is **(a certified self-insured)** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY
CINDY HARRIS
801 BRAZOS
AUSTIN, TEXAS 78701.**

Robert W. Potts
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Margaret L. Turner
Appeals Judge